

Remarks

In the present application, claims 1, 4-16, 32 and 85-96 are pending. Claims 1, 4-16, 32 and 85-96 are rejected. Claims 2-3, 17-31, 33-84 and 97-100 have been previously canceled.

Amendment to the Claims

Claims 1, 32, 85, 87, 90 and 92 are amended. Support for these clarifying amendments may be found throughout the specification; for example, page 11, line 11 – page 12, line 11 (“The HSS 20 retrieves from a storage 28 a subscriber profile of an authorized type or level of access associated with the subscriber identified in the message received by the HSS 20”); and page 3, line 1 – page 4, line 6 (“The entity in the home network receiving the application level registration message uses the received identification of the subscriber and the level or type of access to fetch from a storage in the home network a subscriber profile which is to be used to provide connectivity to the user equipment in the visited network and any network in accordance with the specified level or type of access in the application level registration message”).

Claims 101-103 are newly added. Support for these claims may be found throughout the specification, for example, Figure 2 (“a” – “o”); and page 14, lines 1-16 (“This sequence contains the transport level registration and signalling PDP context activation”).

No new matter is added.

Claim Rejection - 35 U.S.C. § 103(a)

The Examiner has rejected claims 1, 6, 9, 13-16, 85 and 87-89 as being unpatentable under 35 U.S.C. § 103(a) over Pepe et al. (U.S. Patent No. 5,742,668), herein Pepe, in view of Chow et al. (U.S. Patent No. 6,445,911), herein Chow, in further view of Salmela et al. (U.S. Patent No. 6,181,938), herein Salmela; claims 4 and 7 as being unpatentable under 35 U.S.C. § 103(a) over Pepe, Salmela and Chow in further view of Lupien (U.S. Patent No. 5,857,153), herein Lupien; claims 5 and 8 as being unpatentable under 35 U.S.C. § 103(a) over Pepe, Salmela and Chow in further view of Rai et al. (U.S. Patent No. 6,377,982), herein Rai; claims 32 and 33 as being unpatentable under 35 U.S.C. § 103(a) over Pepe, Salmela and Chow in further view of Hoffman (U.S. Patent No. 6,148,199), herein Hoffman; claim 86 as being unpatentable under 35 U.S.C. § 103(a) over Pepe, Salmela and Chow in further view of

Sofer et al. (U.S. Patent Publication No. 2002/0012351), herein Sofer; claims 12, 90-93 and 96 as being unpatentable under 35 U.S.C. § 103(a) over Bharatia et al. (U.S. Patent Publication No. 2001/0031635), herein Bharatia, in view of Chow and Salmela; claims 10 and 94 as being unpatentable under 35 U.S.C. § 103(a) over Bharatia, Salmela and Chow in further view of Lupien; and claims 11 and 95 as being unpatentable under 35 U.S.C. § 103(a) over Bharatia, Salmela and Chow in further view of Rai. The Applicant includes the following comments to clearly distinguish the claimed invention over the art cited by the Examiner, and respectfully requests a favorable reconsideration of claims 1, 4-16, 32 and 85-96.

These rejections are respectfully disagreed with, and are traversed below.

The Examiner is respectfully reminded that, in accordance with the MPEP, the Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Examiner must ascertain the differences between the claimed invention and the prior art. However, the gap between the prior art and the claimed invention may not be so great as to render the claim nonobvious (see MPEP § 2141-2142).

Regarding claim 1, which recites:

“A method, comprising:

sending, from a visited network comprising at least one server to a home network **during an application level registration** of a subscriber, an **application level message** comprising an **identification of the subscriber and a type of access network at which the subscriber is registering**;

in response to sending the application level message, storing in the visited network a selected subscriber profile selected from of a plurality of subscriber profiles for the subscriber, in which the selected subscriber profile comprises an authorization for an **authorized level of access for the type of access network**; and

controlling, by the visited network, access of the subscriber to services provided through the visited network dependent upon a comparison of a requested level of access and the authorized level of access in the stored selected subscriber profile” (emphasis added).

The Examiner argues:

“sending, from a visiting network comprising at least one server [Pepe, column 2 «lines 16-37»] to a home network during an application level registration of a subscriber [Pepe, column 2 «lines 34-37»: disclosing **updating the user's location during roaming registration**], an identification of the subscriber [Pepe, column 2 «lines 19-37» | column 6 «lines 10-15 and 47-52»: disclosing validating subscriber's request] and a type of access network at which the subscriber is registering [Salmela, column 3 «lines 19-34»: disclosing that **a terminal transmits a mode update during registration** where the mode of the terminal identifies the type of network to which the terminal is registering - for example, GSM mode would identify the network as a GSM PLMN mobile telephone network while DECT mode would identify a private network];

in response to the sending, storing in the visited network a selected subscriber profile [Pepe, column 2 «lines 19-37»: disclosing storing the profile in the visiting network] **selected from a plurality of subscriber profiles for the subscriber** [Chow, column 7 «line 61» to column 8 «line 21 »: disclosing a user may have multiple service profiles **based on the services to which the subscriber is subscribed**], in which the selected subscriber profile comprises an authorization for an authorized level or type of access [Chow, column 8 «lines 5-43»: disclosing that the specific service profile describes **the type of service access available** to the user]; and

controlling, by the visited network, access of the subscriber to services provided through the visited network dependent upon a comparison of a requested level of access and the authorized level of access in the stored subscriber profile [Pepe, column 2 «lines 19-37» | column 6 «lines 11-27» and 47-59» & Chow, column 8 «lines 23-42»]” (emphasis added).

Pepe teaches “automatic roamer registration” which is the “process of creating a new [Visiting Location Register (VLR)], loading profile data to the VLR, and **updating the visiting location** of a user in the [Home Location Register (HLR)]” (see col. 2, lines 13-37, emphasis added). The “automatic roamer registration” enables “Location tracking functions” to be “implemented using two location registers”.

However, it is noted that the instant application distinguishes between “transport level registration”, “PDP context activation” and “application level registration” (see Figure 2 and the associated description). Thus, “updating the visiting location” may be considered as part of “transport level registration” (for example, by using “update location” messaging (see Figure 2, messages “a”-“i”)).

Additionally, there is no disclosure or suggestion that the “automatic roamer registration” is specifically performed “during an **application level** registration” using an “application level message”.

In other words, Pepe does not disclose or suggest “sending, from a visited network comprising at least one server to a home network **during an application level registration** of a subscriber, an **application level message** comprising an identification of the subscriber and a type of access network at which the subscriber is registering” as in claim 1.

The Examiner asserts that Salmela teaches “that a terminal transmits a mode update during registration where the mode of the terminal identifies the type of network to which the terminal is registering”. However, this does not disclose or suggest that a “a visited network” sends such information. Rather, Salmela teaches “a **terminal**” provides “a mode update”.

Furthermore, the disclosed transmission by the “terminal” is performed as part of a “location update” (see col. 3, lines 19-34). Clearly, this is not analogous to an “application level message” send “from a visited network” “during an application level registration”.

Assuming, arguendo, that it is possible to “modified Pepe's location update to include the “mode update” information described above in Salmela” (which the Applicants do not so assert), the resulting modification would not disclose or suggest an “application level message” send “from a visited network” “during an application level registration”.

While Chow teaches “The network recognizes the customer and retrieves the subscriber profile from the database. **Based on the user's current location information**, the network determines the preferred service profile for the user” (see col. 8, lines 5-43, emphasis added). However, there is no disclosure or suggestion that “the selected subscriber profile comprises an authorization for an authorized level of access **for the type of access network**”. Rather, the “service profile for the user” is selected based on “location information”.

Clearly, Chow does not disclose or suggest “the selected subscriber profile comprises an authorization for an authorized level of access for the type of access network” as in claim 1.

Assuming, arguendo, that it is possible to “modified Pepe's invention to include multiple profiles for a single subscriber as taught in Chow” (which the Applicants do not so assert), the resulting modification would not disclose or suggest an “application level message” send “from a visited network” “during an application level registration”. Furthermore, the resulting modification would not disclose or suggest that the profile is “for the type of access network” indicated in the “application level message”.

As neither Pepe, Chow nor Salmela disclose or suggest “sending, from a visited network comprising at least one server to a home network during an application level registration of a subscriber, an application level message comprising an identification of the subscriber and a type of access network at which the subscriber is registering” and “the selected subscriber profile comprises an authorization for an authorized level of access for the type of access network” as in claim 1, the combination of Pepe, Chow and Salmela (which the Applicants do not assert there is a motivation to so combine or that such a combination is feasible), herein Pepe-Chow-Salmela, also does not disclose or suggest these elements of claim 1. As Pepe-Chow-Salmela does not disclose or suggest all elements of claim 1, claim 1 is not made obvious by Pepe-Chow-Salmela. For at least this reason, claim 1 is in condition for allowance.

As claims 85 and 87 recite similar language to that discussed above with reference to claim 1; claims 85 and 87 are likewise in condition for allowance. Claims 6, 9, 13-16 and 88-89 depend upon claims 1 and 87. For at least this reason, they are likewise in condition for allowance.

As seen above, Pepe-Chow-Salmela does not disclose or suggest claims 1, 85 and 87. As claims 1, 85 and 87 are allowable over Pepe-Chow-Salmela then all claims that depend from claims 1, 85 and 87 should also be allowable over Pepe-Chow-Salmela, whether considered alone or in combination with other art cited as applied by the Examiner. Further, the addition

of the disclosures of Lupien, Rai, Hoffman and/or Sofer to Pepe-Chow-Salmela (without admitting that such combinations are suggested or technically feasible), would not cure the deficiencies in the disclosure of Pepe-Chow-Salmela. For at least this reason, claims 4-5, 7-8, 32-33 and 86 are in condition for allowance.

Regarding claim 90, which recites:

“A method comprising:

in a home network comprising at least one server, storing for a given subscriber a plurality of subscriber profiles, each subscriber profile indicating a different level of access for which the given subscriber is authorized;

in response to receiving, at the home network from a visited network, an application level registration message identifying **the given subscriber and a type of access network at which the subscriber is registering**, selecting, by the home network, from the stored plurality of subscriber profiles a selected subscriber profile which indicates a level of access that is authorized for the given subscriber for the type of access network **based at least in part on the given subscriber and the type of access network at which the subscriber is registering**; and

sending from the home network to the visited network the selected subscriber profile” (emphasis added).

As seen above, Chow teaches the “service profile for the user” is selected based on “location information”. Clearly, Chow does not disclose or suggest “selecting” a “subscriber profile” “based at least in part on the given subscriber and **the type of access network** at which the subscriber is registering” as in claim 1.

Neither Bharatia nor Salmela are suggested as teaching this element.

While Bharatia teaches “the CSCF 110B also receives and processes application level registration requests and performs various other functions”, there is no indication what such “requests” include. For example, there is no disclosure or suggestion that “an application level registration message” would both identify a “given subscriber” and “a type of access network at which the subscriber is registering”. Similarly, there is no disclosure or suggestion as to how the “CSCF 110B” would respond to such “an application level registration message”. Rather, Bharatia omits any such specificity regarding processing “application level registration requests”.

As neither Bharatia, Chow nor Salmela disclose or suggest “an application level registration message identifying the given subscriber and a type of access network at which the subscriber is registering” and “selecting, by the home network, from the stored plurality of subscriber profiles a selected subscriber profile which indicates a level of access that is authorized for the given subscriber for the type of access network based at least in part on the given subscriber and the type of access network at which the subscriber is registering” as in claim 90, the combination of Bharatia, Chow and Salmela (which the Applicants do not assert there is a motivation to so combine or that such a combination is feasible), herein Bharatia-Chow-Salmela, also does not disclose or suggest these elements of claim 90. As Bharatia-Chow-Salmela does not disclose or suggest all elements of claim 90, claim 90 is not made obvious by Bharatia-Chow-Salmela. For at least this reason, claim 90 is in condition for allowance.

As claim 92 recites similar language to that discussed above with reference to claim 90; claim 92 is likewise in condition for allowance. Claims 12, 91, 93 and 96 depend upon claim 92. For at least this reason, they are likewise in condition for allowance.

As seen above, Bharatia-Chow-Salmela does not disclose or suggest claims 90 and 92. As claims 90 and 92 are allowable over Bharatia-Chow-Salmela then all claims that depend from claims 90 and 92 should also be allowable over Bharatia-Chow-Salmela, whether considered alone or in combination with other art cited as applied by the Examiner. Further, the addition of the disclosures of Sofer, Lupien and/or Rai to Bharatia-Chow-Salmela (without admitting that such combinations are suggested or technically feasible), would not cure the deficiencies in the disclosure of Bharatia-Chow-Salmela. For at least this reason, claims 10-11 and 94-95 are in condition for allowance.

In light of the discussion above, the Applicant respectfully asserts that a prima facie case for obviousness was not presented. As such, the Applicant respectfully requests that the Examiner reconsider and withdraw these rejections to claims 1, 4-16, 32 and 85-96.


S.N.: 09/731,758
Art Unit: 2452

800.0529.U1 (US)

Newly added claims 101-103 depends upon claim 1, 85 and 87. For at least this reason, these claims are likewise in condition for allowance.

For the foregoing reasons, the Applicant believes that each and every issue raised by the Examiner has been adequately addressed and that this application is in condition for allowance. As such, early and favorable action is respectfully solicited.

Respectfully submitted:



Ricardo Ochoa

7/5/12

Date

Reg. No.: 61,545

Customer No.: 10,948

HARRINGTON AND SMITH, ATTORNEYS AT LAW, LLC

4 Research Drive

Shelton, CT 06484-6212

Telephone: (203) 925-9400 x24

Facsimile: (203) 944-0245

Email: ROchoa@HSPatent.com